

STATE OF SOUTH DAKOTA)
COUNTY OF BROOKINGS)SS.

IN CIRCUIT COURT
THIRD JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA)

39 CRI. 16-93

Plaintiff,
vs.

MOTION PURSUANT
TO SDCL 23A-37-15

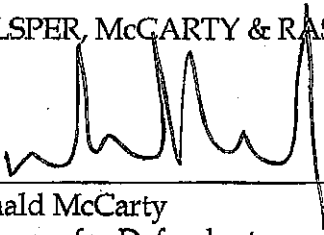
JOSEPH SCHMITZ,

Defendant.)

COMES NOW, JOSEPH SCHMITZ, by and through his court appointed counsel, and moves this Court for an order preventing the State from releasing the real property and residential home where the alleged offense in this case took place. Defendant would request that the Court preclude the State from releasing the home prior to trial. Specifically, Defendant would object to release of the home prior to defendant having a crime scene expert review the scene and all forensic analysis completed. Defendant believes that good cause exists for retention of the property, and that the property may contain exculpatory evidence of the Defendant's innocence.

Dated the 10th day of February, 2017.

HELSPER, McCARTY & RASMUSSEN, P.C.

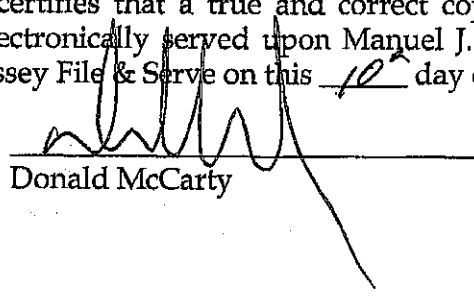


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing MOTION TO SUPPRESS was electronically served upon Manuel J. de Castro Jr., Lake County State's Attorney, via Odyssey File & Serve on this 10th day of February, 2017.


Donald McCarty